

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11891 OF 2016

Sadhu Abaji Irle,
Age: 62 years, Occup. Nil,
R/o Veer Hanumant Nagar,
District Latur.

...Petitioner

Versus

- 1) The State of Maharashtra,
Through: Secretary,
Tribal Dev. Dept.,
Mantralaya, Mumbai -32.
- 2) Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad,
Through Vice- Chairman.
- 3) The Sub- Divisional Officer, Latur. ...Respondents

Mr. P. R. Gaikwad, Advocate holding for Mr. S. M. Kulkarni,
Advocate for petitioner
Mr. S. B. Yawalkar, AGP for respondents No.1 to 3/ State

**CORAM : S. V. GANGAPURWALA &
SMT. VIBHA KANKANWADI. JJ.**
DATE : 31-10-2017

PER COURT :

1. The application filed by the petitioner for issuance of caste certificate as belonging to 'Mahadev Koli ', Scheduled Tribe, is rejected.

The appeal filed by the petitioner is dismissed.

2. The learned counsel for the petitioner submits that, school record of the petitioner shows caste recorded as 'Mahadev Koli'. The school record of the elder brother of the petitioner also records caste 'Mahadev Koli'. The son of the petitioner is issued with the tribe certificate of 'Koli Mahadev', Scheduled Tribe, in the year 2013.

3. The learned AGP submits that, the service book of the petitioner records caste as 'Koli', certain documents verified by the committee, the order has been rightly passed.

4. Even in case of the son of the present petitioner, the Sub-Divisional Officer had rejected the application for issuance of tribe certificate of 'Koli Mahadev', scheduled Tribe. In an appeal the committee directed to authority to issue Tribe Certificate to son of the petitioner of 'Koli Mahadev', Scheduled Tribe.

5. The petitioner is father of Siddheshwar Sadhu Irle to whom the Tribe Certificate is already issued on the direction of the committee in appeal.

6. The petitioner has filed the certificate of validity issued to his

distant paternal cousin namely Irle Vitthal Kishanrao. The committee has not discussed the documents pertaining to the school record of the petitioner and his elder brother.

7. It is trite that, at the time of issuance of caste/ tribe certificate, the authority has to be prima facie satisfied. Even otherwise the tribe certificate has to undergo the acid test of the scrutiny committee in the validation proceedings.

8. Considering the above, the impugned order are quashed and set aside. The competent authority Sub-Divisional Officer, Latur shall issue Tribe Certificate to the petitioner of 'Koli Mahadev' Scheduled Tribe, which certainly will have to be verified by the committee in the validation proceedings.

9. Writ petition accordingly allowed. No costs.

[SMT. VIBHA KANKANWADI]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

vjg/-.